

MELINDA HAAG (CABN 132612)  
United States Attorney

**BRIAN J. STRETCH (CABN 163973)**  
Chief, Criminal Division

OWEN P. MARTIKAN (CSBN 177104)  
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7241  
Facsimile: (415) 436-7234  
owen.martikan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND WATTEN,

Defendant.

CR 10-0515 WHA

**STIPULATION AND ~~[PROPOSED]~~  
ORDER EXCLUDING TIME FROM  
AUGUST 3, 2010 – OCTOBER 5, 2010**

On August 3, 2010, the parties in this case appeared before the Court for the first status conference in this case. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from August 3, 2010, through August 31, 2010, for effective preparation of defense counsel. The parties represented that granting the continuance would allow the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

On August 31, 2010, the parties in this case appeared before the Court for the second status conference in this case. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from August 31, 2010, through October 5, 2010, due to the defendant's physical inability to stand trial. 18 U.S.C. § 3161(h)(4).

SO STIPULATED:

MELINDA HAAG  
United States Attorney

DATED: September 23, 2010

/s/  
OWEN P. MARTIKAN  
Assistant United States Attorney

BARRY J. PORTMAN  
Federal Public Defender

DATED: September 23, 2010


/s/  
ELIZABETH FALK  
Attorney for Raymond Watten

**~~[PROPOSED]~~ ORDER**

As the Court found on August 3, 2010, and for the reasons stated above, an exclusion of time from August 3, 2010, through August 31, 2010, is warranted because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv). As the Court further found on August 31, 2010, an exclusion of time from August 31, 2010, through October 5, 2010, is warranted because the defendant is physically unable to stand trial. 18 U.S.C. § 3161(h)(4).

SO ORDERED.

DATED: September 27, 2010.

  
HON. WILLIAM H. ALSUP  
United States District Judge